

Remarks

Applicants would like to thank the examiner for the review of the present application.

In the Claims

Claims 1-4, 8, 12, 13, 15, 18-20, 24, 25-32, 36, 49 and 53 are currently pending in the application. As discussed in greater detail below, Applicants have amended claims 1 and 31 and have canceled claim 4. No new matter has been added.

The amendments to claim 1 are discussed in further detail below. Claim 31 has been amended to correct a typographical error.

Claim Objections

The Office action objects to claims 18-20 as being dependent on a rejected base claim. However, the Office action states that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As discussed in more detail below, Applicants have shown claim 1 to be allowable. Applicants respectfully request the withdrawal of the objections to claims 18-20, as those claims are allowable as dependant claims from an allowable base claim.

Claim Rejections – 35 USC 112

The Office action rejected claim 4 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants have canceled claim 4. Applicants therefore believe the cancellation of claim 4 has made the rejection of this claim moot and respectfully request the withdrawal of the rejection of claim 4.

Rejections under 35 USC §103

The Office action rejects claims 1-4, 8, 12-13, 15 and 24 under 35 USC §103(a) as being unpatentable over GB 1211236 (“GB”) or U.S. Patent 3,956,072 to Huse (“Huse”) in view of U.S. Patent 1,668,532 to Stewart (“Stewart”) and U.S. Patent 5,340,443 to Heinio et al

("Heinio") with or without U.S. Patent 5,772,850 to Morris ("Morris") or U.S. Patent 3,635,283 to Satchwell ("Satchwell"). The Applicants respectfully disagree.

Applicants draw the Examiner's attention to amendments to claim 1 and also, to the cancellation of claim 4. With respect to claim 4, Applicants submits the cancellation of this claim has made the rejection of this claim moot and respectfully requests the withdrawal of the rejection of claim 4 under 35 USC §103(a).

With respect to claim 1, Applicants have amended claim 1 to include the limitations of claim 4 as well as to modify the structure of the claim for further clarification. Specifically, claim 1 has been amended to include the limitation of a sump in communication with the input wherein the sump comprising at least one heating element and wherein input liquid is preheated. Support for this amendment may be found in the specification, see at least FIG. 14A, 60 and paragraph [0118].

Neither GB nor Huse in view of Stewart and Heinio with or without Morris or Satchwell disclose, teach or suggest all of the limitations found in claim 1. The Office action repeats the reasons stated in the previous Office action on pages 3 and 4 with respect to GB, Huse, Stewart and Heinio. In addition, the Office action states that Heinio renders obvious the evaporative condenser comprising a plurality of parallel core evaporator tubes, each tube having a first open end in communication with a sump and a second open end in communication with a head chamber. Specifically, the Office action cites Heinio tubes 20, 22, basins 11, 12 and the upper edge with support 14 in Figs. 1 and 2.

However, Heinio states the drainage basins for the distillate and waste water are designated 12 and 11. These drainage basins are for collecting the distillate and the waste water, respectively. This is clearly indicated in FIG. 1 of Heinio, where arrows pointing into basins 11 and 12 from both the tube 22 and the element 25. Additionally, this is described by Heinio, Col. 3, lines 14-16 and lines 27-28.

In contrast, current claim 1 specifically claims a sump in communication with the input wherein the sump comprising at least one heating element and wherein input liquid is preheated. Heinio fails to disclose, teach or suggest a sump in communication with the input wherein the sump comprising at least one heating element and wherein input liquid is preheated.

Furthermore, GB, Huse and Stewart, with or without Morris or Satchwell, all fail to disclose a sump in communication with the input wherein the sump comprising at least one

heating element and wherein input liquid is preheated. Thus, even if one were to incorporate the Morris or Satchwell device to the apparatus of GB or Huse, the resulting device would still fail to disclose a sump in communication with the input wherein the sump comprising at least one heating element and wherein input liquid is preheated.

Thus, Applicants have shown claim 1 is allowable over the rejections under 35 USC §103(a) and request the withdrawal of the rejection of claim 1, as well as all claims dependent from claim 1, as those claims are allowable as dependant claims from an allowable base claim.

For these reasons and others, some of which are discussed above, Applicants have shown that pending claims 1-3, 8, 12-13, 15 and 24 are allowable (claim 4 has been canceled). Applicants respectfully request that the Examiner withdraw the rejections of claims 1-4, 8, 12-13, 15 and 24 over 35 USC §103(a).

Conclusion

For at least the foregoing reasons presented herein, all of the claims of the present invention have been shown to be patentable over the art of record. It is believed that all of the claim rejections have been addressed and that the application is now in condition for allowance. Reconsideration of the claims and issuance of a notice of allowance are respectfully requested. If any matter arises which may expedite issuance of a notice of allowance, the Examiner is requested to call the undersigned, at the telephone number given below.

Applicants request that \$810.00 be charged to Deposit Account No. 50-4383 to cover the fee for the Request for Continued Examination. Applicants hereby petition for a three-month extension of time. Applicants request that the associated extension fee be charged to Deposit Account No. 50-4383. Applicants also request that any other fee required for timely consideration of this application be charged to Deposit Account No. 50-4383.

Date: April 30, 2009

Respectfully submitted,
/Michelle Saquet Temple/
Michelle Saquet Temple
Registration No. 48,834
Attorney for Applicants

DEKA Research & Development Corp.
340 Commercial Street
Manchester, NH 03101-1129
Tel: (603) 669-5139
Fax: (603) 624-0573